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UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON

AT SEATTLE

GAEA SINGER,) Case No.
Plaintiff,) COMPLAINT
vs.)
PLOVIE LAW FIRM, P.S.,) JURY TRIAL DEMANDED
Defendant.)
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NATURE OF ACTION

This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq. (hereinafter "FDCPA") and of the Revised Code of Washington, Chapter 19.16, both of which prohibit debt collectors from engaging in abusive, deceptive, and unfair practices. Plaintiff further alleges a claim for invasion of privacy by intrusion, ancillary to Defendant's collection efforts.

Complaint - 1

Jon N. Robbins WEISBERG & MEYERS, LLC 3877 N. Deer Lake Rd. Loon Lake ,WA 99148 509-232-1882 866-565-1327 facsimile jrobbins@AttorneysForConsumers.com 11

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II. JURISDICTION

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).

III. PARTIES

- 3. Plaintiff, Gaea Singer, is a natural person residing in the State of Washington, County of King, and City of Seattle.
- 4. Plaintiff is a "consumer" as defined by the FDCPA, 15 U.S.C. § 1692a(3), and a "debtor" as defined by RCW § 19.16.100(11).
- 5. At all relevant times herein, Defendant, Plovie Law Firm, P.S., ("Defendant") was a company engaged, by use of the mails and telephone, in the business of attempting to collect a "debt" from Plaintiff, as defined by 15 U.S.C. §1692a(5).
- 6. Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C. § 1692a(6), and a "licensee," as defined by RCW § 19.16.100(9).

IV. FACTUAL ALLEGATIONS

7. At various and multiple times prior to the filing of the instant complaint, including within the one year preceding the filing of this complaint, Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt. Defendant's conduct violated the FDCPA and RCW § 19.16 in multiple ways, including but not limited to:

Complaint - 2

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Complaint - 3 28

- a) Using false representations and deceptive practices in connection with collection of an alleged debt from Plaintiff. Defendant made an agreement with Plaintiff to update Plaintiff's credit report pursuant to a settlement agreement and Plantiff's credit report was not updated consistent with the agreement (§ 1692e(10));
- b) Using false representations and deceptive practices in connection with collection of an alleged debt from Plaintiff. Defendant represented that Plaintiff's credit report had been updated properly pursuant to the settlement agreement referred to in the previous paragraph. In fact, the agreement called for Plaintiff's report to be update as "current, never late" but her credit report does not reflect this status (§ 1692e(10)).
- Defendant's aforementioned activities, set out in paragraph 8, also 8. constitute an intentional intrusion into Plaintiff's private places and into private matters of Plaintiff's life, conducted in a manner highly offensive to a reasonable person. With respect to the setting that was the target of Defendant's intrusions, Plaintiff had a subjective expectation of privacy that was objectively reasonable under the circumstances.
- 9. As a result of Defendant's behavior, detailed above, Plaintiff suffered and continues to suffer injury to Plaintiff's feelings, personal humiliation, embarrassment, mental anguish and emotional distress.

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COUNT I: VIOLATION OF FAIR DEBT COLLECTION PRACTICES ACT

Plaintiff reincorporates by reference all of the preceding paragraphs. 10.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- Declaratory judgment that Defendant's conduct A. violated the FDCPA;
- Actual damages; В.
- C. Statutory damages;
- Costs and reasonable attorney's fees; and, D.
- E. For such other and further relief as may be just and proper.

COUNT II: VIOLATION OF WASHINGTON COLLECTION AGENCY

ACT, WHICH IS A PER SE VIOLATION OF THE WASHINGTON

CONSUMER PROTECTION ACT

Plaintiff reincorporates by reference all of the preceding paragraphs. 11.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

> Actual damages; A.

Complaint - 4

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1	B. Discretionary Treble Damages;
2	C. Costs and reasonable attorney's fees,
3	D. For such other and further relief as may be just and proper.
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8	Respectfully submitted this 21st day of September, 2009.
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12	<u>s/Jon N. Robbins</u> Jon N. Robbins
13	WEISBERG & MEYERS, LLC
14	Attorney for Plaintiff
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28	Complaint - 5 Jon N. Robbins WEISBERG & MEYERS, LLC 3877 N. Deer Lake Rd. Loon Lake ,WA 99148 509-232-1882

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